

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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CALIFORNIA FORESTRY  
ASSOCIATION and AMERICAN  
FOREST & PAPER ASSOCIATION,

NO. CIV-S-05-0905 MCE/GGH

Plaintiffs,

v.

ORDER

DALE N. BOSWORTH, et al.,

Defendants

and

SIERRA NEVADA PROTECTION  
CAMPAIGN, et al.,

Defendant-Intervenors

and

PACIFIC RIVERS COUNCIL,

Applicant for Intervention.

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Through the present motion, Pacific Rivers Council  
("PRC") seek to intervene in this action on a permissive basis

1 under Rule 24(b) (2) of the Federal Rules of Civil Procedure.  
2 Counsel for PRC has represented to the Court that the other  
3 parties to this action do not oppose the proposed intervention,  
4 and no opposition has been filed.

5 An applicant seeking permissive intervention must satisfy  
6 three threshold requirements: 1) the motion must be timely; 2)  
7 the court must have an independent basis for jurisdiction over  
8 the applicant's claims; and 3) the intervenor's interests must  
9 share a common question of law or fact with the main action.  
10 Donnelly v. Glickman, 159 F.3d 405, 412 (9<sup>th</sup> Cir. 1998). The  
11 district court has broad discretion to grant permissive  
12 intervention if these factors are met. See Spangler v. Pasadena  
13 City Board of Educ., 552 F.2d 1326, 1329 (9<sup>th</sup> Cir. 1977).

14 There is no dispute that the threshold requirement for  
15 permissive intervention have been satisfied in this matter. The  
16 instant lawsuit was only recently filed and intervention has been  
17 sought on a timely basis. Similarly, because the interests  
18 advanced by PRC relate to the same 2004 Framework at issue in the  
19 main action, and because the same jurisdictional bases apply, the  
20 remaining prerequisites (common issues and independent  
21 jurisdictional grounds) are also met.

22 In exercising its discretion to allow permissive  
23 intervention, the Court finds that the 2004 Framework impacts  
24 large and varied interests, including those advanced by PRC. The  
25 potential magnitude of the 2004 Framework is great, and the  
26 implications flowing from any challenge to it may be  
27 considerable. Ensuring that all competing interests implicated  
28 by the Framework are heard, including those advanced by PRC

1 herein, will contribute to the just and equitable resolution of  
2 these cases. Consequently permissive intervention will be  
3 allowed, and the motion presently before the Court is GRANTED.<sup>1</sup>

4 In permitting such intervention, however, the Court must  
5 still consider "whether the intervention will unduly delay or  
6 prejudice the adjudication of the rights of the original  
7 parties." Fed. R. Civ. P. 24(b)(2). In that regard, the court  
8 may impose reasonable conditions and restrictions on the  
9 participation of intervenors so that their involvement does not  
10 derail the efficient conduct of these proceedings. See  
11 Stringfellow v. Concerned Neighbors in Action, 480 U.S. 370, 380  
12 (1987).

13 The Court will consequently impose limits on the briefing  
14 allowed in any summary judgment motion filed in this matter, or  
15 in related cases also before the Court. Opening points and  
16 authorities will be limited to fifty (50) pages in length.  
17 Opposition papers are subject to a thirty (30) page limitation,  
18 and reply memoranda shall not exceed (10) pages.

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27 <sup>1</sup>Because oral argument would not be of material assistance,  
28 this matter was deemed suitable for decision without oral  
argument. E.D. Local Rule 78-230(h).

1 Any brief filed on behalf of any intervenor, or group of  
2 intervenors represented by single counsel, shall not be longer  
3 than twenty (20) pages.

4 IT IS SO ORDERED.

5 DATED: July 21, 2005

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9 MORRISON C. ENGLAND, JR.  
10 UNITED STATES DISTRICT JUDGE  
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